

an order and supplemental notice of proposed rulemaking is hereby adopted.

It is further ordered that, the motions for extension of time filed by NARUC and GTE are granted to the extent described herein and otherwise denied.

It is further ordered, that comments in CC Docket No. 95-185 will be due March 4, 1996 and reply comments will be due March 25, 1996.

#### List of Subjects in 47 CFR Part 1

Communications common carriers.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96-4182 Filed 2-22-96; 8:45 am]

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#### 47 CFR Part 20

[CC Docket No. 94-102, DA 96-198]

#### Compatibility of Wireless Services With Enhanced 911

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission seeks additional comment in wireless Enhanced 911 (E911) rulemaking proceeding. On February 13, 1996, the Cellular Telecommunications Industry Association (CTIA) and three principal public safety organizations—National Emergency Number Association (NENA), Association of Public-Safety Communications Officials (APCO), and National Association of State Nine One One Administrators (NASNA)—jointly filed a Consensus Agreement as an *ex parte* presentation, urging the Commission to adopt their agreement in this proceeding. Additional comment is sought to assist the Commission in determining whether to adopt the Consensus Agreement, in whole or in part. The effect of adopting the Consensus Agreement would be to bring the timely deployment of E911 services to wireless customers, in two phases, within five years after adoption of final rules.

**DATES:** Comments must be filed on or before *March 4, 1996* and reply comments must be filed on or before *March 11, 1996*.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Won Kim, Policy Division, Wireless Telecommunications Bureau, (202) 418-1310.

#### SUPPLEMENTARY INFORMATION:

February 16, 1996.

Additional Comment Sought: Commission Seeks Additional Comment in Wireless Enhanced 911 Rulemaking Proceeding Regarding "Consensus Agreement" Between Wireless Industry Representatives and Public Safety Groups

[CC Docket No. 94-102]

Comments Due: March 4, 1996.

Replies Due: March 11, 1996.

On February 13, 1996, the Cellular Telecommunications Industry Association (CTIA) and three principal public safety organizations—National Emergency Number Association (NENA), Association of Public-Safety Communications Officials (APCO), and National Association of State Nine One One Administrators (NASNA)—jointly filed an *ex parte* presentation titled "Public Safety-Wireless Industry Consensus: Wireless Compatibility Issues, CC Docket 94-102," urging the Commission to adopt their agreement in this proceeding.<sup>1</sup> The full text of the Consensus Agreement (including exhibits), the NPRM,<sup>2</sup> comments, and reply comments are available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800.

Pursuant to Section 1.415(d) of the Commission's Rules, 47 CFR § 1.415(d), the Commission seeks additional comment in wireless Enhanced 911 (E911) rulemaking proceeding. Specifically, the Commission seeks comment on the Consensus Agreement filed by wireless industry representatives and public safety groups. In the NPRM, the Commission proposed to adopt rules requiring, *inter alia*, that Commercial Mobile Radio Service (CMRS) providers of real time voice services offer E911 access and features to mobile radio callers in three phases within five years after adoption of final rules. Comments on the NPRM were filed on January 9, 1995, and reply

comments were filed on March 17, 1995. Although the comments supported the Commission's broad goal to require wireless compatibility with E911, the views of wireless service industry and public safety organizations differed, *inter alia*, regarding the proposed phase-in schedules for various E911 features. In order to address these differences, CTIA and public safety organizations initiated negotiations regarding wireless compatibility issues and related matters. The Consensus Agreement outlines the consensus reached on issues regarding wireless compatibility with E911 systems as a result of these negotiations.

Additional comment is sought to assist the Commission in determining whether to adopt the Consensus Agreement, in whole or in part. The Consensus Agreement proposes a two-step implementation schedule for E911. In Phase I, within twelve or eighteen months after the adoption of the Order, the Agreement proposes implementation of cell site information, calling party automatic number identification (ANI), 911 availability from any service initialized mobile radio handset, 911 access for speech and hearing-impaired callers using text telephone (TTY) devices, and call-back capability. Under Phase II, within five years after the adoption of the Order, the Agreement proposes to require achievement of automatic location of wireless callers within 125 meters (derived using root mean square calculations). In addition, the Consensus Agreement requests the Commission: (1) to declare that state and local 911 fees and taxes are not barred as a matter of law and that such fees and taxes should not discriminate between wireline and wireless carriers; and (2) to resolve carrier and public safety legal liability issues. The Consensus Agreement also suggests consumer education rather than equipment labeling to inform customers regarding wireless compatibility with E911 features. Commenters are invited to address any legal, factual, and policy issues associated with the request to adopt the Consensus Agreement.

Comments on these additional issues must be filed no later than March 4, 1996. Reply comments must be filed by March 11, 1996. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, referencing CC Docket No. 94-102 and the Consensus Agreement. Filings should be accompanied by proof of service upon the parties in this proceeding. The list of the parties may be obtained from the

<sup>1</sup> "Public Safety-Wireless Industry Consensus: Wireless Compatibility Issues, CC Docket 94-102," filed by CTIA, NENA, APCO, and NASNA on February 13, 1996 ("Consensus Agreement").

<sup>2</sup> See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Notice of Proposed Rulemaking, 59 Fed. Reg. 54878 (1994) ("NPRM").

Office of the Secretary by referencing CC Docket No. 94-102.

For further information, contact Won Kim at (202) 418-1310, Wireless Telecommunications Bureau, Policy Division.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AD20

#### Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of Availability of the Draft Environmental Alternatives Analysis for the Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands and Extension of Public Comment Period on the Proposed Special Rule.

**SUMMARY:** The Service has prepared a Draft Environmental Alternatives Analysis (EAA) for the proposed special rule for the conservation of the northern spotted owl on non-Federal lands in California and Washington. The proposed special rule was published in the Federal Register on February 17, 1995 (60 FR, No. 33, Page 9484). The implementing regulations for threatened wildlife generally incorporate the prohibitions of Section 9 of the Endangered Species Act (Act) of 1973, as amended, for endangered wildlife, except when a "special rule" promulgated pursuant to Section 4(d) of the Act has been issued with respect to a particular threatened species. At the time the northern spotted owl, *Strix occidentalis caurina*, (spotted owl) was listed as a threatened species in 1990, the Fish and Wildlife Service (Service) did not promulgate a special Section 4(d) rule and, therefore, all of the Section 9 prohibitions, including the "take" prohibitions, became applicable to the species. Subsequent to the listing of the spotted owl, a Federal Late-Successional and Old-growth (LSOG) forest management strategy (Plan) was developed and then formally adopted on April 13, 1994, in a Record of Decision (ROD) that amended land

management plans for Federal forests in northern California, Oregon, and Washington. Although this proposed rule refers to the Federal LSOG forest strategy as the "Forest Plan", it is noted that the strategy is not a stand-alone management plan but rather effected a series of amendments to Forest Service and Bureau of Land Management planning documents. In recognition of the significant contribution the Plan does make toward spotted owl conservation and management, the Service proposed a special rule, pursuant to Section 4(d) of the Act, to replace the blanket prohibition against incidental take of spotted owls with a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California.

The Service seeks comments from the interested public, agencies, and interest groups on the Draft EAA and for its proposed 4(d) rule. The comment period for the proposed rule has been extended repeatedly since the proposed rule's publication in February of 1995, and will be extended one more time to coincide with the end of the public comment period on the Draft EAA.

**DATES:** Comments from all interested parties must be received by April 8, 1996.

**ADDRESSES:** Comments and materials concerning this Draft Environmental Alternatives Analysis and the proposed rule should be sent to Mr. Michael J. Spear, Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181. The complete file for this proposed rule will be available for public inspection, by appointment during normal business hours, at the U.S. Fish and Wildlife Service, Office of Technical Support for Forest Resources, 333 S.W. 1st Avenue, 4th Floor, Portland, Oregon 97204, (503/326-6218).

**FOR FURTHER INFORMATION CONTACT:** Mr. Curt Smith, Assistant Regional Director, Region 1, U.S. Fish and Wildlife Service, 3704 Griffin Lane S.E., Suite 102, Olympia, Washington 98501, (206/534-9330); or Ron Crete, Office of Technical Support for Forest Resources, 333 S.W. 1st Avenue, Portland, Oregon 97232-4181, (503/326-6218).

**SUPPLEMENTARY INFORMATION:** The Service has prepared a draft document called an Environmental Alternatives Analysis (EAA) that describes and analyzes the potential environmental effects of the proposed special rule and six alternatives for the conservation of the northern spotted owl on non-Federal

lands in Washington and California. Each alternative would revise to varying degrees the Federal prohibitions and exceptions regarding the incidental take of spotted owls on non-Federal lands in California and Washington. The proposed rule, analyzed in the Draft EAA as Alternative 3, was published in the Federal Register on February 17, 1995 (60 FR, No. 33, Page 9484). The new document was prepared as a draft EAA rather than as a draft Environmental Impact Statement (EIS) because in the 1995 Rescissions Act signed in July of 1995, Congress specifically exempted the Service from preparing an EIS under the National Environmental Policy Act (NEPA) for this action. While not subject to the provisions of NEPA as a matter of law, the Draft EAA nevertheless follows the same general format and addresses the same range of issues as is generally found in a draft EIS.

The Service believes that it is important to seek public comment on the environmental analysis it has conducted on the various alternative approaches to this proposed action. Therefore, a 45-day comment period is provided.

The implementing regulations for threatened wildlife generally incorporate the prohibitions of Section 9 of the Endangered Species Act (Act) of 1973, as amended, for endangered wildlife, except when a "special rule" promulgated pursuant to Section 4(d) of the Act has been issued with respect to a particular threatened species. When the northern spotted owl, *Strix occidentalis caurina*, (spotted owl) was listed as a threatened species in 1990, the Fish and Wildlife Service (Service) did not promulgate a special 4(d) rule. Therefore, all of the Section 9 prohibitions for endangered species were made applicable to the spotted owl throughout its range, including the prohibitions against "take" that apply to endangered species under the Act.

Subsequent to the listing of the spotted owl, a new Federal forest management strategy was developed and proposed by the Forest Ecosystem Management Assessment Team (FEMAT), which was established by President Clinton following the April 2, 1993, Forest Conference, in Portland, Oregon. FEMAT outlined those options in the report, *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment*, which drew heavily upon previous scientific studies conducted on the northern spotted owl. On July 1, 1993, the President identified "Option 9" in the FEMAT Report as the preferred alternative for managing